

APPLICATION NO: 13/00777/FUL & CAC And 13/00827/OUT & CAC		OFFICER: Mrs Wendy Hopkins
DATE REGISTERED: 13/00777/FUL & CAC 16th May 2013 13/00827/OUT & CAC 24 th May 2013		DATE OF EXPIRY: 13/00777/FUL & CAC 15th August 2013 13/00827/OUT & CAC 23 rd August 2013
WARD: All Saints		PARISH: None
APPLICANT:	Meaujo (766) Ltd & Leckhampton Estates (2012) Ltd	
AGENT:	Simon Firkins	
LOCATION:	Former Odeon Cinema (Winchcombe Street) and Haines & Strange (Albion Street, Gloucester Place, Fairview Road, Fishers Lane), Cheltenham	
PROPOSAL:	<p>13/00777/FUL & CAC: Construction of 6 no. townhouses, 8 no. apartments, 6 no. retail units, new vehicular access and associated works; following demolition of the existing building</p> <p>13/00827/OUT & CAC: Regeneration incorporating construction of 33 no. houses, 48 no. apartments, 6 no. retail units, new vehicular access and associated works; following demolition of all of the existing buildings</p>	

Update to Officer Report

1. OFFICER COMMENTS

1.1. Independent assessment of viability from DVS

1.1.1. To follow.

1.2. Conservation Consultee Response – Haines & Strange

Application Nos- 13/00827/CAC, 13/00827/OUT

Site: Haines and Strange

Conservation Area: Yes, Central Conservation Area

Proposal: Regeneration incorporating construction of 33 no. houses, 48 no. apartments, 6 no. retail units, new vehicular access and associated works; following demolition of all of the existing buildings

Further to: pre-application site visit and meetings, site visit and application information.

Analysis of Site: an extremely prominent site within the town centre.

Historic analysis of the site- On the historic maps, small scale semi-detached buildings with narrow plots facing on to Gloucester Place (probably housing) and a number of buildings with small footprints arranged around a courtyard facing on to Albion Street (probably stable yards or mews).

Comments:

1. The redevelopment of this site is welcomed and the fact that the area is in need to investment is recognised. However this is a big site and the quality of the design of the redevelopment must one of the primary aims. It is noted that the NPPF confirms

that the Government attaches great importance to the design of the built environment.

2. *I have already made comments about the application for the total demolition of the former Odeon building (see my comments 13/00777/CAC) and I do not support its total demolition.*
3. *If the Odeon were to be retained then the scheme for redevelopment of this site in particular with the new shops/ flats along Albion Street with the curved corner elevation feature will be physically and practically difficult, as well as looking quite odd. It is understood that there will be a legal agreement linking the development of the two sites.*
4. *The site already has permission for re-development with a contemporary style of architecture, and that extant consent has a site layout which is broadly similar to this application. The principle of the site layout and the general footprint of the buildings and their relationship to each other are acceptable, based on the extant scheme. However I do have detailed concerns about the site layout of this scheme and these are as follows:*
 - a. *Refuse bin arrangements for collection from courtyard area accessed from Gloucester Place. Confirmation is needed that the general approach is acceptable to Ubico and, if the proposal is that bins will be stored to the rear of the town houses facing Gloucester Place, will collection also take place from the rear?*
 - b. *There is bin store shown to the rear of the flats/shops facing Albion Street. This bin store may be acceptable for the flats, but it can not be accessed by the shops, where will the shops store their refuse?*
 - c. *The inner courtyard area is very tarmac and car dominated especially the space in front of the 2 storey town houses which are located running east to west across the site.*
5. *However notwithstanding the above comments about the layout of the scheme being acceptable; the form, layout and space around buildings do related to the style of architecture. This is relationship of space and buildings was particularly important in 19th century Cheltenham, where the whole "taking the spa water " experience, was about beautiful classical architecture set in landscaped grounds, with either generous private gardens or public parks and gardens being within close proximity or forming the setting for the elegant houses. These beautiful houses were for the wealthy and their servants and the trades' people of the town lived in small houses, generally located in the less noticeable positions in the town.*
6. *The applicant has submitted an interesting report by Robert Chitham which gives an analysis of the proposed architectural style but this only considers the principal facades, fails to consider the site layout, fails to consider the relationship of buildings to each other, fails to consider and fails to consider the rear elevations. In short it gives support for the pastiche nature of this development without attempting to recommend an accurate reproduction built form, which has any authentic values beyond pure facadism.*
7. *To enable the scheme to be better than a pastiche development, consideration needs to be given to the following:*

- a. *If the principal street frontage buildings are to be convincing replica buildings, then their relationship to other buildings and spaces also needs to be convincing. So the inner site buildings should not be so grand or so big if the street frontage buildings are being intended to give the appearance of being grand Regency terraced houses. Such inner site buildings to be in sympathetic form and mass to the large street buildings, should be small two storey artisan cottages or Mews type converted coach houses in appearance.*
 - b. *The space should be more generous around the large street frontage buildings especially those buildings without shops on Albion Street. Consideration should be given to small front gardens to these buildings, and certainly more external space around the building on the corner of Albion Street and Gloucester Place is required.*
8. *There are a number of detailed concerns about the proposed elevational treatment of the front elevations and I would strong suggest that the a three dimensional drawing or sketch up is produced, viewed diagonally to towards the curved corner of the scheme from the other corner of Winchcombe Street (ie from the A plan insurance building).*
9. *Interestingly some of my detailed concerns have already been raised and comments on by the applicant's advisor Robert Chitham, in his report entitled Observations on the Design Proposals and dated May 2013. However in some respects, the applicant appears to have ignored Mr Chitham.*
10. *So not withstanding my previous comments about the loss of the Odeon building, the proposed pastiche architecture, the lack of space around the buildings and the lack of understanding about the hierarchy in the built form; my detailed comments are as follows:*
- a. *Generally the rear elevations are poor but I have concentrated my comments to the principal front and side elevations.*
 - b. *Street frontage block with shops to Albion Street- the front elevation for this building which is a block of flats, has been designed to have the appearance of terraced houses. Although as these "terraced houses" do not have front doors, the theme of architectural deceit has continued, so that ground floors of the houses have been converted to shops. This architectural make believe approach is acceptable as a principle, provided that it is historically accurate in all respects. Unfortunately the design of this development fails in a number of area –*
 - i. *There is a duality problem with the Winchcombe Street elevation, and it lacks a central focus to balance that duality. Interestingly the agent's expert, Robert Chitham has recognised and analysed the duality problem with this elevation and then suggested treatments to decrease this problem. His suggestions include rustications and enriched second floor cornice. However the applicant has ignored their own experts advice and the duality problem remains on the Winchcombe Street elevation. Although I am not sure even with Mr Chitham's suggestions that the duality problem will have been removed.*
 - ii. *To allow for a consistent approach in the street elevations between Winchcombe Street and Albion Street, Mr Chitham's suggestions for*

the treatment of the front elevation above shop unit 1, also include rustications and an enriched second floor cornice. However again the applicant has ignored this advice.

- iii. In addition on page 10 of Mr Chitham's report there is an illustration of the shop unit number one. The projecting section of this shop-front has a pair of double pilasters but these are not shown on the scheme elevations.*
- iv. To the north of the site in Winchcombe Street there is a small terrace of three listed buildings, which has ground floor shops. These terrace buildings each has a typically raised ground floor which give these authentic historic buildings elegant vertical proportions. The proposed replica terrace fails to copy the elegant proportions of the listed buildings which are so nearby.*
- v. The adjacent listed buildings have projecting ground floor shop front which are typical of 19th century conversions. The proposed replica building has failed to copy that projection with the new shop fronts, which are so typical of Cheltenham shops.*
- vi. In addition the detailed shop fronts of the new development appear to have squat proportions and atypical gaps between the shop front pilasters. A problem partial solved by Mr Chitham's rejected suggestion of double pilasters.*
- vii. Mr Chitham has suggested that there should be more emphasis on chimney stacks. I agree with Mr Chitham. Chimney stacks are a fundamental part of a Regency building but again to be authentic there needs to be an understanding of the historic plan form., and chimney stacks placed on the roof in an appropriate location. In some of the drawings the stack is missing. For example Mr Chitham shows a stack in the illustration in his report on page 10, but this stack is omitted from the roof plan.*

c. Street frontage without shops to Albion Street:

- i. Notwithstanding my concerns about lack of space at the front of this building, this elevation is more successful, and whilst the steps up to the front doors are historically appropriate there may be disabled access issues to this building which need to be resolved.*
- ii. However again the applicant has ignored the advice from his own expert Mr Chitham. In particular –*
 - Chimney stacks are missing and in the wrong location to make sense.*
 - The dormer windows in the end unit still sit above the mansard roof change of angle line.*
 - More elaborate detail of the end unit as suggested but ignored.*
- iii. The courtyard elevation to the end unit, is very unsatisfactory. This elevation will be seen from the public realm and is very asymmetrical and unbalanced.*

d. Fairview Road frontage:

- i. *The form of the 2 storey “Regency” houses sits quite comfortably although their appearance is quite grand for “back edge of pavement” houses. For this wide frontage house in a period style, it would be appropriate to have a small front garden. Even the small historic houses in Gloucester Place have front gardens.*
- ii. *Again Mr Chitham’s advice has been ignored as the chimney stacks are missing on the “Regency” houses.*
- iii. *The relationship of a modern block of flats on the corner together with the mock Regency architecture quite a bizarre architectural mixture, especially as the modern town houses get a front garden whilst the mock Regency houses do not get a front garden.*

11. Planning policies

- a. *Local Plan policy CP7 – states – “Development will only be permitted where it: a) is of high standard of architectural design, b) adequately reflects principles of urban design, and c) complements and respects neighbouring development and the character of the locality and/or landscape.”*
- b. *From my assessment of the new development, the scheme is not sufficiently well designed as an accurate and convincing historic replica group of buildings. It is a pastiche design and has used some historic elements inaccurately or without due consideration, or omitted other historic elements such as chimney stacks. Consequently it does not have a sufficiently high standard of architectural design to comply with Local Plan policy CP7.*
- c. *The NNPPF has a presumption in favour of sustainable development, and explains that a sustainable development has economic, social and environmental considerations. The environmental consideration does include protecting and enhancing the built and historic environment (clause 7) and the core planning principles (clause 17) include that the planning system should -“always seek to secure high quality design...”. Clause 60 of the NPPF states that planning decisions should not impose architectural styles, but that it is proper to promote or reinforce local distinctiveness. Whilst Cheltenham has a wealth of fabulous Regency buildings, the proposed mock and in some areas poorly proportioned Regency architecture being proposed is not high quality design and fails to promote local distinctiveness, but instead de-values the town’s architectural heritage.*
- d. *Again in the NPPF clause 126 confirms the desirability of new developments making a positive contribution to local character and distinctiveness, and the opportunities to draw on the contribution made by the historic environment to the character of a place. However the applicants have failed to use the opportunity to understand, consider and copy the listed buildings immediately next to the Odeon application site.*
- e. *Clause 128 of the NPPF states that – “In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted....”. However the applicant has failed to mention or consider the listed status of the buildings*

immediately next to the application site, in any of the following the submitted supporting documents - Heritage Impact Assessment, the Architectural and Historic Appraisal and its addendum, or the Cheltenham – Gloucester Place, Observations on the Design Proposals. The applicant has ignored the impact that the proposed development will have on the setting of these listed building and therefore these supporting documents have not fulfilled the required level of consideration under the NPPF clause 128.

- f. *The PPS5 Planning for the Historic Environment (Historic Environment Planning Practice Guide) which remains as relevant national planning policy states that detailed guidance on design and the historic environment is available from English Heritage and CABE, and suggests Buildings in Context: New Development in Historic Areas (pub. 2001). Although this advice booklet was published in 2001, the design advice it gives and the architectural principles it explains remains a relevant consideration today. On page 5 – it is stated – “A word often describe to describe such projects ... is pastiche, which ... implies the assembly of stylistic elements from different sources.” On page 4 it is explained that “the principle of copying the architecture of existing buildings (but not as an authentic reconstruction) leads to superficial echoing of historic features in the new building, which erodes the character of the area rather than enriches it.” Consequently pastiche schemes erode the character and appearance of an area and this proposed development will certainly erode this part of Cheltenham.*

12. Summary

- a. *Although this scheme has been submitted as an application not including the Odeon land, the two sites will be linked with a legal agreement. This approach is welcomed and the redevelopment of this site is welcomed as a principle.*
- b. *I remain unconvinced that there has been a sufficiently robust justification submitted to persuade me that either the total demolition of the Odeon is acceptable.*
- c. *However not withstanding the issues about the loss of the Odeon building, I also have concerns about the proposed replacement buildings.*
- d. *Many of these concerns relate to the proposed architectural style which is to be a mock Regency style. Whilst I am not opposed to the principle of reproduction architecture, there are issues with the detailed design of this scheme which will mean that this is not reproduction architecture but a pastiche design.*
- e. *Even if the principle of using a pastiche design for the street elevation were to be acceptable (which in my opinion it is not acceptable) then the proposed detailed design has then failed to follow the advice of the applicant' expert advisor in many areas of the elevational design.*

CONCLUSION – *My comments are such that I am unable to support this application for a new development of residential units and shops.*

Refusal reason:

The proposed new buildings due to the general design and proportions of both of these buildings, and in addition the proposed height of the town houses in the inner courtyard, will harm the character and appearance of the conservation area and harm the setting of the

adjacent listed buildings. Therefore this development will not be in accordance with sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In addition this proposed development will not comply with the NPPF, PPS5 Historic Environment Planning Practice Guide, and the Local Plan policies CP3, CP7.

1.3. **Demolition of the Odeon**

1.3.1. A written from the applicants' heritage professional in response to Conservation Officers comments dated 28th June 2013 (detailed in section 4 of the main report) dated form an appendix to this update.

1.3.2. In respect of providing a robust justification for the demolition of the Odeon, the applicants structural surveyor has submitted further written comment (dated 3rd July 2013) :

In principle, the existing structural form comprises the very large masonry enclosure to the former auditorium at the rear, and a 'cellular' masonry construction housing the former entrance and ancillary accommodation, between the auditorium and the public highway, at the front.

The purpose of the cellular construction of the front part is to house offices, stores, machinery setting and the like at various floor levels up to the roof. This area also contains the main public entrance at ground floor level which by its very nature, requires large open space with the consequence that, over and around the rear part of the entrance, the general cellular construction of walls have to be supported over the entrance by large beam structures offset from some of the main support wall alignments -- this might give the impression that the structure of the entire building comprises three separate parts whereas, in our opinion, it comprises two.

Whilst I have described the basic structural form being two elements not, in my opinion, three, the front cellular element is extremely complicated structurally BECAUSE of the openings and laterally stepped structural supports. In addition, parts of the rear auditorium enclosure structures project into the front parts further worsening the vertical load paths down through the front area.

It is for these reasons that partial demolition will be very difficult for practical and Health and Safety reasons, let alone any financial viability grounds.

1.4. **Urban Design – Layout & Design**

1.4.1. To follow.

1.5. **Access and highway issues**

1.5.1. To follow.

1.6. **Contaminated Land – Air quality**

1.6.1. Following further discussion with the applicant on air quality the Contaminated Land Officer provides the following comment:

Subject to appropriate contaminated land and air quality assessment planning conditions being attached to any permission for the re-development of the former Haines & Strange garage site, I can support the planning applications (refs: 13/00827/OUT & 13/00827/CAC)

1.7. **Ubico – Waste Management & Refuse Storage**

1.7.1. To follow.

1.8. **Housing Enabling Officer comments**

Haines and Strange comprises of 81 dwellings and fails to be policy compliant as the planning application states zero affordable housing provision.

Former Odeon Cinema comprises of 14 dwellings which falls under the trigger for affordable housing.

It is disappointing to see Haines and Strange and the Former Odeon Cinema sites come in as separate applications when reference is made in terms of a 'master plan' for them together.

For solely the Haines and Strange site, this department recommends the following policy compliance. A total of 33 affordable dwellings to meet the required 40% with a 70:30 split of rented to intermediate tenure. The proposed mix is as follows:

*1-bed dwellings x 5 affordable rent
2-bed dwellings x 7 affordable rent
2-bed dwellings x 6 shared ownership
3-bed dwellings x 8 affordable rent
3-bed dwellings x 4 shared ownership
4-bed dwellings x 3 social rent*

Haines and Strange and the Former Odeon Cinema as a collated application would increase the affordable housing provision by 5 units. A total of 38 affordable dwellings on a joint development (95 dwellings) will meet the required 40% policy with a proposed mix as follows:

*1-bed dwellings x 6 affordable rent
2-bed dwellings x 8 affordable rent
2-bed dwellings x 6 shared ownership
3-bed dwellings x 9 affordable rent
3-bed dwellings x 5 shared ownership
4-bed dwellings x 4 social rent*

There is no discernible evidence of engagement with registered providers regarding the level of advice received on the affordable housing for not only Haines and Strange but also the sites as a joint application.

In addition, the location of these sites has the potential as not an important contribution to affordable provision for the town but also in other possible housing options for the sites which may enable viability of affordable housing i.e. extra care, and there is not evidence to that such potential for the site has been considered.

1.9. **Landscape & Trees**

1.9.1. To follow.

2. CONCLUSION AND RECOMMENDATION

2.1. To follow.

3. CONDITIONS/REFUSAL REASONS

3.1. To follow.

 Architectural History & Conservation

Ms Wendy Hopkins
Cheltenham Borough Council
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Cheltenham Borough Council Environment Group		5 July 2013	
PASSED TO			
RECD		- 8 JUL 2013	
Date of Response		Type of Response	
Initials of Responder		File Ref.	

Dear Ms Hopkins

**Re: Proposed redevelopment of the Odeon site, Winchcombe Street, Cheltenham
Application Number 13/00777/FUL.**

As you will be aware comments have been made regarding the above application by your Conservation Officer, Karen Radford. The applicant's planning team has responded to most of these comments already. However there are a couple of additional matters, relating to the conservation aspects of the scheme, which will be put forward here. I would be grateful if you would include these in your report and in your consideration.


As raised by Ms Radford our original letter was to indicate our full support of the application in conservation terms. The detailed justification for the scheme has been amply supplied by the eminent Robert Chitham, who designed the scheme. My own PhD is in the architectural history of the neo-Palladian era (the classical style which pre-dates Neo-classicism and then Regency style) whereas Mr Chitham's expertise relates directly and specifically to the classical orders and he is respected for the expert he is in this field. For this reason he was considered by the team to be the best person to explain and justify his design for the site. Mr Chitham is one of Britain's leading classical architects.

I note that, in her comments, Ms Radford describes his design as having

'poor proportions', some of which are described as 'Particularly poor'. Other elevations are described as 'weak and unconvincing' as well as 'devaluing the adjacent listed buildings'.

Since the design has been very well explained and justified in Mr Chitham's report I am at a loss to understand how these conclusions have been drawn unless perhaps the conservation team has not read Mr Chitham's report? Certainly most of the questions which have been raised in the conservation team's comments, do indicate that it has not been applied in the decision-making process and this a concern.

More particular comments now follow:

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Architectural History & Conservation

- 1) Facadism has been suggested by your conservation team as a way forward for the Odeon site. This should be considered an unacceptable solution for two reasons. Firstly

Para 3.15 of PPG15 states that

"The preservation of facades alone, and the gutting and reconstruction of interiors, is not normally an acceptable approach to the re-use of listed buildings: it can destroy much of a building's special interest and create problems for the long-term stability of the structure"

Of course PPG15 has since been superseded by PPS 5 and now by the NPPF but, as PPG15 was published in 1994, its advice has been in the conservation practitioner's 'consciousness' and part of best practice for coming up 20 years. Although this particular piece of guidance relates to listed buildings, the principle can equally apply to local listed buildings and facadism has not been considered to be a valid heritage solution for 20 years.

Secondly, in this case, facadism would be a pointless, maudlin piece of conservation sentimentality. The historic and architectural analysis submitted as part of the application to demolish the Odeon explains in detail that this particular cinema, sadly, is not a good example of Art Deco cinema architecture. For this reason alone there is no justification for retaining its façade. In fact its interior was of far more interest in my view, but this was removed in its entirety several years ago.

I am very surprised that facadism is being peddled as a suitable solution here.

- 2) Ms Radford has put much weight on the fact that the Regency style proposed for the new development does not replicate the precise style of the listed buildings adjacent to the site. It should be noted that the NPPF does not state that adjacent buildings must be used as a template for new development. Instead it states that LPAs should take into account the '*opportunities to draw on the contribution made by the historic environment to the character or place*' (NPPF para 126). This is very different. The comments made by Ms Radford and her team go well beyond the bounds of the guidance set out in the NPPF and I can only suppose that a personal view is being made here since it does not stem from the legislation.
- 3) Throughout the conservation response there are references made to how the style proposed is a pastiche (in the fullest, correct sense of the word) and how it selects various features but is not used in a consistent way to match surrounding Regency buildings. These comments reveal a lack of understanding of the Regency style. The Regency style, as with most classical styles which originated in the eighteenth century, was quite literally patched together as available information and classical sources allowed. Without going into great detail it is essential here to note how the 'original' Cheltenham Regency style came about since this provides important context here.

Architectural History & Conservation


Intrepid travelling architects such as Robert Adam of the eighteenth century, visited ancient classical sites across Europe, such as ancient Greece, Rome, Palmyra, Sicily and Split over a number of years, drawing and recording classical features, styles and proportions where access allowed and ignoring those sites where access was not possible. From the mid-eighteenth century a relatively random collection of features was therefore extrapolated from these sites and then put together and presented to clients with many different, alternative options for the selection of features, dressings and emphases within their individual buildings. This gathering of sources and references continued into the Regency era with additions from Egypt and France. It is therefore quite within the spirit of true Regency architecture to apply different features where a particular architectural solution is required. True Regency architecture is itself a conglomeration of various ancient classical features and sources taken from several countries and over several centuries. There should be no requirement now, under true Regency architecture, to legalistically 'copy' another building and certainly there is no requirement under the NPPF.

In any case it should be noted that the adjacent listed buildings were carefully considered by Mr Chitham in his report hence these are not mentioned in my original supporting letter. It should also be noted that the current 1930's Odeon building was built with absolutely no stylistic respect for these listed buildings. A return to Regency architecture in this prominent corner plot would provide an eminently better setting for these buildings than the current monolithic structure. It makes no sense for the conservation team to be championing the retention of such an out of place building as the starkly modernist Odeon (in relation to the adjacent regency listed buildings) but rejecting a thoughtful Regency scheme which would be eminently more suitable for these listed buildings.

Please do not hesitate to contact me if you would like to discuss any of the above,

Yours sincerely


Dr Carole Fry
AHC Consultants

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